

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF TEXAS

PATRICK BERNARD SMITH,

Plaintiff,

versus

TERRI HOPKINS, *et al.*,

Defendants.

CIVIL ACTION NO. 1:23-CV-471

MEMORANDUM OPINION AND ORDER

On January 3, 2024, the magistrate judge ordered plaintiff to pay an initial partial filing fee of \$1.44 and notified plaintiff he would also be responsible for paying the remainder of the full filing fee by making periodic payments from his inmate trust account. Plaintiff's compliance was due on or before the expiration of thirty (30) days from the date of the order.

Plaintiff has filed objections to the order (#5). Plaintiff seeks relief from the magistrate judge's order, asserting he is indigent and the court granted him permission to proceed *in forma pauperis*. This memorandum opinion considers such order and objections.

Analysis

The court referred this matter to the Honorable Christine L. Stetson, United States Magistrate Judge, for consideration pursuant to applicable laws and orders of this court. In accordance with 28 U.S.C. § 636(b)(1)(A), a judge of the court may reconsider any pretrial matter referred to a magistrate judge under subparagraph (A) where it has been shown that the magistrate judge's order is clearly erroneous or contrary to law. Plaintiff's objections are liberally interpreted as a motion for reconsideration of the order to pay an initial partial filing fee (#3).

The magistrate judge ordered the payment of an initial partial filing fee pursuant to 28 U.S.C. § 1915(b)(1). Additionally, the order notified plaintiff of his responsibility to pay the remainder of the full filing fee by making monthly payments, as required by 28 U.S.C. § 1915(b)(2).

After careful consideration, the court is of the opinion that plaintiff's objections to the order to pay an initial partial filing fee lack merit and should be overruled. The order to pay an initial

partial filing fee was proper. A statement of plaintiff's prisoner account attached to his objections reveals he has sufficient funds to pay the initial partial filing fee, as ordered. The order did not relieve plaintiff from payment of the full filing fee, only prepayment of the filing fee. The court finds the order of the magistrate judge neither clearly erroneous nor contrary to law. Therefore, the motion for reconsideration should be denied.

ORDER


For the reasons set forth above, plaintiff's objections lack merit and should be overruled.

It is

ORDERED that plaintiff's motion for reconsideration of the order of the magistrate judge is **DENIED**. Additionally, it is

ORDERED that plaintiff shall pay an initial partial filing fee of \$1.44 to the Clerk within thirty (30) days from the date set forth below. Failure by the plaintiff to comply with this order may lead to dismissal of the above-styled action without further notice for failure to prosecute or to obey any order of the court. *See* FED. R. CIV. P. 41(b).

SIGNED at Beaumont, Texas, this 12th day of April, 2024.



MARCIA A. CRONE
UNITED STATES DISTRICT JUDGE